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BEFORE THE ARIZONA CORPORATION

COMMISSIONERS

BOB STUMP - Chairman
GARY PIERCE
BRENDA BURNS
BOB BURNS
SUSAN BITTER SMITH

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2014 SEP 29 P 12:29

CORP COMMISSION
DOCKET CONTROLArizona Corporation Commission
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SEP 29 2014

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IN THE MATTER OF THE APPLICATION
OF CIRCLE CITY WATER COMPANY
L.L.C. FOR APPROVAL TO DELETE
PORTIONS OF ITS CERTIFICATE OF
CONVENIENCE AND NECESSITY AND TO
DELETE THE REQUIREMENT TO FILE A
RATE CASE PURSUANT TO DECISION NO.
68246.

DOCKET NO. W-03510A-13-0397

NOTICE OF FILING

ORIGINAL

In accordance with a data request by Arizona Corporation Commission staff to Lake Pleasant 5000, L.L.C. ("LP5K"), attached is a letter sent from the principals of LP5K to Bob Hardcastle of Circle City Water Company ("CCWC"). The letter was sent to CCWC in response to the above captioned docket being opened when CCWC filed for a deletion of a portion of its Certificate of Convenience and Necessity.

RESPECTFULLY SUBMITTED this 29th day of September 2014

Garry D. Hays
THE LAW OFFICES OF GARRY D. HAYS, PC
1702 East Highland Avenue, Suite 204
Phoenix, Arizona 85016
Counsel for Lake Pleasant 5000, LLC.

1
2 Original and thirteen (13)
3 Copies filed on September 29th, 2014 with:

4 Docket Control
5 Arizona Corporation Commission
6 1200 W. Washington Street
7 Phoenix, AZ 85007

8 COPIES of the foregoing mailed/
9 Delivered on September 29th, 2014 to:

10 Janice Alward, Chief Counsel
11 Legal Division
12 ARIZONA CORPORATION COMMISSION
13 1200 West Washington Street
14 Phoenix, AZ 85007

15 Lyn Farmer
16 Hearing Division
17 ARIZONA CORPORATION COMMISSION
18 1200 West Washington Street
19 Phoenix, AZ 85007

20 Steven M. Olea
21 Utilities Division
22 ARIZONA CORPORATION COMMISSION
23 1200 West Washington Street
24 Phoenix, AZ 85007

25 Robert Hardcastle
26 P.O. Box 82218
27 Bakersfield, Ca 93380-2218

28 Dain P. Reber
7501 E McCormick Parkway
Scottsdale, Arizona 85258
Counsel for Maughan Revocable Trust of 2007
And Rex G. Maughan and Ruth G. Maughan

By: Chrakels 

Lake Pleasant 500, L.L.C.
17700 N. Pacesetter Way, Suite 100
Scottsdale, AZ 85255
480.348.1118

December 11, 2013

VIA EMAIL TO RTH@BROOKEUTILITIES.COM AND REGULAR MAIL

Mr. Robert T. Hardcastle
Brooke Utilities, Inc.
P.O. Box 82218
Bakersfield, California 93380-2218

Re: Circle City Water Co. CC&N

Dear Bob:

I am writing in response to the application Circle City Water Company ("CCWC") filed at the Arizona Corporation Commission ("Commission") that requested a deletion of the Certificate of Convenience and Necessity ("CC&N") covering the Warrick 160 and Lake Pleasant 5000 LLC ("LP5K") property. I was extremely disappointed by your filing. As you are aware, LP5K intends to move forward with the development and is adamantly opposed to the deletion of the CC&N.

This letter will formally serve as a reiteration of the Request for Service letter received by CCWC on September 30, 2004 from LP5K. I advised you, in an email dated July 10, 2013 that LP5K intended to move forward and did not want the CC&N deleted. As you are aware, LP5K has a Water Facilities Agreement ("WFA") with CCWC and has met its contractual obligations under the WFA. In fact, in accordance with Section II, paragraph 5 of the WFA, LP5K paid CCWC \$67,782.61 on July 18, 2013. This payment was made and received when you were fully aware of LP5K's intentions. While you have attempted to get LP5K to sign a termination agreement, I have advised you numerous times that LP5K and its development partners are moving forward with this project.

LP5K will be filing an application for leave to intervene and will explain to the Commission the need for service and the desire to keep the CC&N in place. LP5K is ready and willing to present its case in front of the Commission. If there is any way we can resolve this matter without wasting the Commission's resources, please feel free to call me.

LAKE PLEASANT 5000 L.L.C.,

By: Harvard 5K, L.L.C., its Manager

By: Harvard Investments, Inc., its Manager

By: 
Christopher J. Cacheris, Vice President